



Attorney Docket No. 0756-1630

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Shunpei YAMAZAKI et al.

Serial No. 08/799,506

Filed: February 12, 1997

For: METHOD FOR PROCESSING
SEMICONDUCTOR DEVICE

APPARATUS FOR PROCESSING A

SEMICONDUCTOR AND

APPARATUS FOR PROCESSING

SEMICONDUCTOR DEVICE

) Group Art Unit: 2822

) Examiner: M. Wilczewski

) CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 19, 2003.

Adele M. Stenper

RESPONSE

Honorable Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Official Action mailed May 23, 2003, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time.

The Applicants note with appreciation the consideration of the Information Disclosure Statements filed on February 16, 1998, August 10, 1998, November 10, 1998, April 21, 1999, July 17, 2000, January 26, 2001, July 31, 2001, and December 17, 2002.

The Applicants note the *partial* consideration of the Information Disclosure Statement (IDS) filed on January 24, 2001. Specifically, it appears that the Examiner inadvertently overlooked the citation of U.S. Patent No. 5,648,276 to Hara et al. The Applicants respectfully request that the Examiner provide an initialed copy of the Form

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PTO-1449 submitted January 24, 2001, evidencing consideration of the IDS, particularly of the Hara reference.

Also, the Applicants await acknowledgment of the IDS filed on May 20, 2002.

Claims 154-186 are pending in the present application, of which claims 154, 159, 164, 169, 175 and 181 are independent. Favorable reconsideration is requested. The Applicants note with appreciation the indication of allowability of claims 160, 165, 170, 176 and 182. Also, in the Official Action, claim 156 is both rejected (page 3) and shown as allowable (page 4). It appears that the indication of claim 156 as allowable was a typographical error. Since dependent claim 155 is substantially similar to claims 160, 165, 170, 176 and 182, the Applicants presume that the Official Action intended to indicate that claim 155 is allowable.

The Official Action rejects claims 154, 156-159, 161-164, 166-169, 171-175, 177-181 and 183-186 under the doctrine of obviousness-type double patenting over claims 1, 3, 4, 7-10, 13-16, 19-21, 23, 24, 26-28, 30 and 32 of U.S. Patent No. 6,329,229 to Yamazaki et al.

As stated in MPEP § 804, under the heading "Obviousness-Type," in order to form an obviousness-type double patenting rejection, a claim in the present application must define an invention that is merely an obvious variation of an invention claimed in the prior art patent, and the claimed subject matter must not be patentably distinct from the subject matter claimed in a commonly owned patent. Also, the patent principally underlying the double patenting rejection is not considered prior art.

The Applicants respectfully traverse the obviousness-type double patenting rejection because independent claims 154, 159, 164, 169, 175 and 181 of the present invention are patentably distinct from the claims of Yamazaki '229. Specifically, the independent claims of the present invention recite "forming a gate insulating film on the semiconductor film." On the other hand, although the claims of Yamazaki '229 may recite forming an insulating film on the semiconductor film, the claims of Yamazaki '229 do not recite forming a gate insulating film. As noted above, the patent (including the

specification) principally underlying the double patenting rejection is not considered prior art. Therefore, the Applicants respectfully submit that the subject application is patentably distinct from the claims of the Yamazaki '229 patent. Reconsideration of the obviousness-type double patenting rejection is requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,


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